

Message Text

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ACTION DLOS-04

INFO OCT-01 NEA-10 ISO-00 FEA-01 ACDA-05 AGR-05 AID-05

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DODE-00 DOTE-00 EB-07 EPA-01 ERDA-05 FMC-01 TRSE-00

H-02 INR-07 INT-05 IO-11 JUSE-00 L-03 NSAE-00 NSC-05

NSF-01 OES-03 OMB-01 PA-01 PM-04 PRS-01 SP-02 SS-15

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C O N F I D E N T I A L TEL AVIV 1765

E.O. 11652: GDS

TAGS: PLOS, IS

SUBJ: LOS: UPCOMING LOS CONFERENCE SESSION

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BEGIN SUMMARY: SOME DIFFERENCES OF EMPHASIS REMAIN BETWEEN U.S. AND ISRAELI VIEWS OF LOS. GOI REMAINS PRIMARILY INTERESTED IN FREEDOM OF NAVIGATION AND IN AVOIDING ANY CHANGE IN THE MARITIME SITUATION IN THE MEDITERRANEAN AND MIDDLE EAST. ISRAEL FEELS THAT THE DIFFICULT PROBLEMS FACING LOS CONFERENCE RESULT FROM THE CONFLICTING GOALS OF FREEDOM OF NAVIGATION, EXTENSION OF TERRITORIAL SEAS, AND ESTABLISHMENT OF AN INTERNATIONAL AUTHORITY OVER ECONOMIC ZONES. THE ISRAELI DELEGATION IS PREPARED TO BE HELPFUL IN ANY WAY IT CAN AND WISHES TO CONSULT WITH THE U.S. DELEGATION. END SUMMARY

1. PUSUANT TO REFTEL WE DISCUSSED THE UPCOMING LOS SESSION

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IN NEW YORK WITH AMBASSADOR AMIEL NAJAR, WHO WILL HEAD ISRAEL'S

DELEGATION. IN A FRANK CONVERSATION HE DISCUSSED THE GOALS FOR GOI IN THE LOS NEGOTIATIONS AND OUTLINED THE DIFFICULTIES AND DIFFERENCES WHICH HE SEES. HE EMPHASIZED THAT THE PRIMARY GOAL FOR ISRAEL IN THESE NEGOTIATIONS REMAINS FREEDOM OF NAVIGATION AND SEES THREE MAJOR PROBLEMS IN HIS EFFORTS TO WORK TOWARD THAT GOAL: FIRST, THE PRINCIPLE OF ECONOMIC ZONES BRINGS WITH IT THE POSSIBILITY OF CONTROL OVER THE HIGH SEAS BY RIPARIAN STATES AND THIS MEANS A FUNDAMENTAL CHANGE IN THE NATURE OF TRADITIONAL LAW OF THE SEA. SECOND, IT WILL BE EXTREMELY DIFFICULT TO ATTAIN AN IDENTICAL REGIME FOR ALL STRAITS BECAUSE OF THE EXPECTED EXTENSION OF TERRITORIAL SEAS. THIRD, CLEAR TREATY PROVISIONS WHICH WOULD PROVIDE FOR SEMI-ENCLOSED SEAS TO BE CONNECTED BY FREE TRANSIT THROUGH STRAITS TO THE OPEN SEAS WILL ALSO BE DIFFICULT TO ATTAIN.

2. NAJAR WENT ON TO COMMENT THAT THE PROBLEMS FACING THE PRINCIPLE OF FREEDOM OF NAVIGATION ARE SELF-CREATED PROBLEMS WHICH HAVE ARISEN BECAUSE THE CONCEPTS OF EXTENSION OF TERRITORIAL SEAS AND CREATION OF ECONOMIC ZONES INEVITABLY LEADS TO DIFFICULTIES REGARDING STRAITS AND FREEDOM OF PASSAGE. ISRAEL CONTINUES TO TAKE THE POSITION THAT ANY DELIMITATION OF TERRITORIAL SEAS AND/OR ECONOMIC ZONES MUST BE LINKED TO PRINCIPLE EQUITY. THIS IS AN IMPORTANT CONSIDERATION FOR ALL COUNTRIES WHICH HAVE SPECIAL GEOGRAPHIC SITUATIONS AND IS PARTICULARLY TRUE FOR COUNTRIES IN THE MEDITERRANEAN SUCH AS GREECE AND TURKEY.

3. HE WENT ON TO ASK RHETORICALLY WHO NEEDS AN EXTENSION OF TERRITORIAL SEAS? THERE ARE NO MILITARY GROUNDS FOR SUCH EXTENSIONS AND THEY CAN BRING COSTLY AND DIFFICULT ECONOMIC PROBLEMS. HE ADDED PARENTHETICALLY THAT HE FELT THE SUPERPOWERS REGRET THEIR EARLIER DECISION TO FOLLOW THE LEAD OF SMALLER COUNTRIES IN EXTENDING THEIR TERRITORIAL SEAS. ISRAEL WILL IN GENERAL SUPPORT THE VIEWS OF THE LAND LOCKED COUNTRIES IN THE CONFERENCE AND WILL HOPE TO GAIN THEIR SUPPORT IN RETURN FOR SPECIAL ISRAELI CONCERNS IN THE CONFERENCE.

4. NAJAR SAID THAT ISRAEL WILL SUPPORT MEASURES FOR MARITIME RESEARCH SO LONG AS SUCH RESEARCH DOES NOT HAMPER FREEDOM OF NAVIGATION. ISRAEL WILL ALSO SUPPORT TO THE MAXIMUM EXTENT

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POSSIBLE MEASURES AGAINST MARITIME POLLUTION. ON FISHERIES, HE SAID THAT GUIDING PRINCIPLE FOR ISRAEL WILL BE TOTAL UTILIZATION OF LIVING RESOURCES AND IF A RIPARIAN STATE CANNOT USE ALL THOSE RESOURCES THEN FISHING IN TERRITORIAL SEAS SHOULD BE OPEN TO OTHER STATES; IN THIS, ISRAEL WOULD SUPPORT JAPAN AND THE SOVIET UNION.

5. ISRAEL WILL, OF COURSE, REMAIN ALERT TO THE POLITICAL

PROBLEMS FACING HERSELF AND OTHER MIDDLE EAST STATES IN THE CONFERENCE. HE COMMENTED THAT SOME STATES WHICH OPPOSE ISRAEL IN THE ARAB-ISRAELI STRUGGLE FACE PROBLEMS SIMILAR TO THOSE OF ISRAEL IN MARITIME LAW. FOR EXAMPLE, IRAQ TAKES A POSITION ON ACCESS TO THE PERSIAN GULF WHICH IS SIMILAR TO THE POSITION TAKEN BY ISRAEL IN ACCESS TO THE GULF OF EILAT. SIMILARLY, EGYPT HAS A FUNDAMENTAL INTEREST IN FREEDOM OF NAVIGATION BECAUSE IT KNOWS THAT THE SUEZ CANAL IS VULNERABLE TO ANY RESTRICTION OF NAVIGATION IN THE STRAITS OF GIBRALTAR OR BAB-EL-MANDEB.

6. IN CLOSING, NAJAR RETURNED TO THIS THEME THAT ISRAEL MUST GIVE PRIORITY TO THE PRINCIPLE OF FREEDOM OF NAVIGATION AND SAID THAT IF THIS PRINCIPLE IS HONORED THEN SOLUTIONS TO OTHER PROBLEMS FACING THE CONFERENCE WILL BE FACILITATED. HE SAID THAT BLACKMAIL BY RIPARIAN STATES MUST NOT BE PERMITTED AND STATES HAVING AN INTEREST IN FREEDOM OF NAVIGATION SHOULD REVIEW THEIR "ENTHUSIASM TO MAKE A GIFT TO THOSE FEW RIPARIAN STATES WHO WOULD BENEFIT FROM EXTENSION OF TERRITORIAL SEAS". HE SAID HE THOUGHT A GOOD NEGOTIATING TACTIC WOULD BE TO GIVE WAY ON SEEKING A STRONG INTERNATIONAL AUTHORITY IN ORDER TO GAIN ON FREEDOM OF NAVIGATION; HE ADMITTED THIS WOULD BE DIFFICULT FOR THE U.S. BECAUSE A WEAKER INTERNATIONAL AUTHORITY IS CONTRARY TO U.S. VIEWS. HE CONCLUDED THAT HE HOPED THE SUPERPOWERS WOULD "TAKE A STAND AND SAY NO TO THIS SELF CREATED PROBLEM" AND PREDICTED THAT THE SENATE WOULD NOT APPROVE ANY LOS TREATY WHICH CALLED FOR PASSAGE THROUGH STRAITS BY SUFFERANCE OF RIPARIAN STATES RATHER THAN AS A RIGHT OF FREEDOM OF NAVIGATION.

7. AMB NAJAR STATED THAT HE HOPED TO MEET AT AN EARLY DATE WITH THE U.S. DELEGATION AND SAID HE PARTICULARLY HOPED TO MEET WITH AMB MOORE. HE PLANS TO ARRIVE IN NEW YORK ON MARCH 14 AND WILL CALL THE ISRAELI EMBASSY IN WASHINGTON ON HIS ARRIVAL TO SEEK CONFIDENTIAL

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HELP IN SETTING UP APPOINTMENTS WITH THE U.S. DELEGATION. IN ADDITION TO NAJAR THE ISRAELI DELEGATION WILL INCLUDE MEIR ROSENNE, LEGAL ADVISOR OF THE FOREIGN MINISTRY, AND JACOB DORON, WHO PREVIOUSLY SERVED AS DCM AT THE ISRAELI UN DELEGATION. NAJAR SAID THAT THE ISRAELIS ARE READY TO HELP AND WILLING TO COOPERATE IN ANY WAY THEY CAN WITH THE U.S. DELEGATION. TOON

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